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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,559	11/02/2000	Joseph A. McCluskey	31083.048001	8707
34018	7590	11/16/2006	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,559

Applicant(s)

MCCLUSKEY ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Response to Arguments

In view of the Appeal Brief filed on September 12, 2005, PROSECUTION IS HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Talib et al. (US 2001/0044758) in view of Singh (US 2001/0047311).

Re claims **1, 9, 11, and 13**, Talib teaches a method of providing a customer with information regarding a product (para. 0035-0054), the method comprising:

receiving an electronic request for information for a product (para. 19; Talib discloses search term corresponding to an electronic request as claimed);

searching an electronic database to determine if the electronic database contains information for the product (para. 19; Talib discloses a full text search to determine if the database contains information for the product);

if the electronic database contains information for the product, sending an electronic message to the customer containing selected information from the electronic database that corresponds to the product (para. 19; Talib sends an electronic message to the customer by displays the completed search for the users to view); and

if the electronic database does not contain information for the product, automatically sending an electronic request to a sourcing agent to perform... to gather information for the product which gathered information is returned to the customer in an electronic message and added to the electronic database (para. 6, 19, 120-146; figs. 10-12; Talib searches through index to determine how many electronic records within each of the sub-categories are associated with the search term).

However, Talib does not explicitly teach a search outside of the electronic database. On the other hand, Singh discloses a search outside of the electronic database (para.0020, 0025-0027, 0032, 0042, and 0046; figs. 1-2). Singh discloses catalog manager in the third host platform. He discloses a purchase order generator is provided with the third host platform to manage the purchase orders to suppliers. The purchase order generator aggregates quotes that are related, such as for similar purchase orders or which offer the same type of product or service, or based on capacity, and also assists in matching supplier

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quotes to active purchase orders (ie. a search outside of the electronic database). Thus, it would have been obvious to one of ordinary skill in the art to implement a search outside of the electronic database to gather additional information in a collaborative market for products and service via communication network as discloses in Singh.

Re claim 2, Singh teaches forward the electronic request to the sourcing agent as a request for quotation (para 0007). Singh discloses RFQ as a request for quote.

Re claim 3, Singh teaches request for quotation is prepared by the customer (para. 0049, 0036, and 0032; Singh discloses the buyer selects the subset via the website and communicates its selection to the suppliers. Suppliers indicate via the website whether they wish to participate in subsequent rounds of bidding) in response to a prompt that is automatically sent to the customer when the electronic database does not contain information for the product (as explained above, see claim 1; para. 6, 19, 120-146; figs. 10-12; Talib searches through index to determine how many electronic records within each of the sub-categories are associated with the search term).

Re claim 4, Talib teaches Internet (para. 0071 and 0078).

Re claims 5 and 8, Singh teaches e-mail (para. 0030 and 0048). Singh discloses a purchase order via e-mail.

Re claim 6, Talib and Singh teach a method as claimed in claims 1, 9, 11, and 13 above. Therefore the rationale applied in the rejection of claims 1, 9, 11, and 13 applies herein. Furthermore, Singh teaches a set of predetermined rules to determine the sourcing agent to which the electronic request is to be routed (para. 0007-0012).

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Re claim 7, Talib teaches comparing words in the electronic request against a set of predetermined product descriptors to determine a type of product specified in the request (para. 0028 and 0082-0085).

Re claim 10, Talib teaches sending the source for the product specified in the request as determined by the sourcing agent to an originator of the request (figs. 7-9).

Re claim 12, Talib and Singh teach a method as claimed in claims 1, 9, 11, and 13 above. Therefore the rationale applied in the rejection of claims 1, 9, and 11-13 applies herein. Furthermore, Singh teaches an option to authorize a further search (para. 0028, 0047, and 0099).

Re claim 14, Singh teaches electronic catalog and second component reside on a Web server of a third party vendor (para. 0015, 0042, and 0046). Singh discloses the user is directed by the site to go to another third-party site to explore other possibility.

Re claim 15, Singh teaches a portal through which the electronic catalog, first component and second component are accessible (para. 0043 and 0053). Singh discloses a web portal.

Re claim 16, Singh teaches electronic catalog, first component and second component reside on a single Web server (para. 0042 and 0025-0036). Singh discloses one Web server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan
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11/07/2006